

IN THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF TEXAS
_____ DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2012 JUN 12 AM 11:42

Form To Be Used By A Prisoner in Filing a Complaint
Under the Civil Rights Act, 42 U.S.C. § 1983

DEPUTY CLERK AC

STEVEN Michael Backstrom 1657938

Plaintiff's name and ID Number

Clements Unit, 9601 Spur 591,
Place of Confinement AMARILLO, TX 79107

CASE NO: 2:12-CV-0116

(Clerk will assign the number)

v.

Rick Thayler, P.O. Box 99, Huntsville, Tx
Defendant's name and address 77432-0099

John Adams, 9601 Spur 591, Amarillo,
Defendant's name and address Tx 79107

Stewart Williams, 9601 Spur 591, Amarillo
Defendant's name and address Tx 79107
(DO NOT USE "ET AL.")

AMENDED COMPLAINT

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of Texas prison units indicating the appropriate District Court, the Division and an address of the Divisional Clerks.

Defendants;

Elizabeth Boeelin, P.O. Box 99, Huntsville, Tx 77342

C.A. HARRELL, 9601 Spur 591, Amarillo, Tx 79107

Nickelle Grant, 9601 Spur 591, Amarillo, Tx 79107

C.F. Hazelwood, P.O. Box 99, Huntsville, Tx 77342

John Doe, Exec Dir. of the AMERICAN CORRECTIONAL ASSN. (or) its RANKING individual(s) ASSIGNEN TO AUDIT AND/OR ASSESS the SAFETY issues of/for the W.P. Clements (TDCJ-ID) Shoe Factory.

John Doe, Exec. Dir. of the Texas Dept. of State Health Svs. (TDSHS) (or) its highest RANKING individual(s) RESPONSIBLE FOR INVESTIGATIONS OF ACCIDENTS REPORTED BY THE TDCJ-ID OFFICIALS AND/OR CERTIFY THE W.P. CLEMENTS SHOE FACTORY "DESMA" MACHINES AS BEING SAFE.

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth the information to establish your inability to prepay the fees and costs or give security therefore. You must also include a six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files and appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motions(s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedures.

I. PREVIOUS LAWSUITS:

- A. Have you filed any other lawsuits in the state or federal court relating to imprisonment? _____ YES NO
- B. If your answer to "A" is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: N/A
 2. Parties to previous lawsuit:
Plaintiff(s): N/A
Defendant(s): N/A
 3. Court (If federal, name the district; if state, name the county) N/A
 4. Docket Number: N/A
 5. Name of judge to whom case was assigned: N/A
 6. Disposition: (Was the case dismissed, appealed, still pending?)
N/A
 7. Approximate date of disposition: N/A

II. PLACE OF PRESENT CONFINEMENT: WPCLEMENTS UNIT, 9601 Spur 591,
AMARILLO, TX 79107

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? YES NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THE SUIT:

A. Name or address of plaintiff: STEVEN Michael Buckstrom, CLEMENTS UNIT,
4E-11t, 9601 Spur 591, AMARILLO, TX 79107

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Rick Thayler, Executive Director, TDCJ, P.O. Box 99,
Huntsville, TX 77342-0099

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.
Dictates sleep deprivation policies, allows decrepit and unsafe equipment usage.

Defendant #2: John Adams, Sr. Warden Clements Unit, 9601
Spur 591, Amarillo, TX 79107

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.
Executes sleep deprivation practices, is aware of injuries yet
Allows the continued use of decrepit and unsafe equip.

Defendant #3: Stewart Williams, Shoe Factory Superintendent,
9601 Spur 591, Amarillo, TX 79107

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.
Continually operates the factory with full knowledge of injurious
accidents due to unsafe equipment.

Defendant #4: Elizabeth Boerlin, TDCJ Safety Supervisor, P.O.
Box 99, Huntsville, TX 77342-0099 (Risk Manager)

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.
Failed to order adequate safety meetings, Failed to order up-
grades to Shoe Factory equip. with full knowledge of injuries.

Defendant #5: C.A. Narrell, 9601 Spur 591, Amarillo, TX 79107
Unit program supervisor (Risk Management Spec).

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.
Continually refuses to order equipment up-grades or the
installation of guards or replacement with full knowledge
of injuries.

Defendant #6: N.Kelle Grant, 9601 Spur 591, Amarillo, Tx 79107, Clements Unit Safety Officer.

Ms Grant is fully aware of injurious accidents yet refuses to order up-grades or safety installations or replacement of decrepit and unsafe equipment.

Defendant #7: C.F. Hazelwood, P.O. Box 99, Huntsville, Tx. 77342, TCI, Manufacturing Exec. Dir.

Has full knowledge of injurious accidents yet refuses to upgrade, retrofit, or replace decrepit and unsafe equipment.

Defendant #8: John Doe, American Correctional Assn. EXEC. DIR AND/OR ITS DESIGNATE, 206 North Washington, Ste 200, Alexandria, VN 22314.

Either knowingly or not, this individual certifies the shoe factory DESMA single-port injection machine AS "SAFE" WHEN IT IS NOT.

Defendant #9: John Doe, Texas Dept. of State Health Exec. Dir. OR its designee,

This person is responsible for certifying for the state of Tx that the DESMA MACHINES ARE SAFE, WHEN IN FACT THEY ARE DANGEROUS AND HAVE BEEN FOR YEARS.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal argument or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

ON 3-1-2011, while working on a "DESMA" single-port injection machine AS AN "operator" (1st day on job), Plaintiff's right hand was pressed into a shoe mold REQUIRING SURGERY and causing PERMANENT IMPAIRMENT, disfigurement, pain / suffering and disability. This harm occurred because of SEVERE SLEEP DEPRIVATION, NO safety training, improper operator training by inmates AND IN GENERAL, being forced to work on unsafe equipment. During those hours designated for sleep, Plaintiff was awokened A MINIMUM of five (5) times and allowed only 3.5 hrs of un-

/ PLEASE SEE PAGE 4A FOR CONTINUATION /

VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite not cases or statutes.

A Declaration by Judge, PERMANENT injunction disallowing future use of any DESMA machine, future court training, Comp. damages of \$10,000⁰⁰ per def. punitive damages of \$100,000⁰⁰ per def. No Retaliation Against Plaintiff.

VII. GENERAL BACKGROUND INFORMATION:

- A. State, in complete form, all names you have ever used or been known by including any and all aliases:

STEVEN Michael "Mike" Backstrom

- B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if know to you.

1657938

VIII. SANCTIONS:

- A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES NO
- B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)
- Court that imposed sanctions (If federal, give district and division): N/A
 - Case Number: N/A
 - Approximate date sanctions were imposed: N/A
 - Have the sanctions been lifted or otherwise satisfied? N/A YES N/A NO

TERUPTED SLEEP WITH A TOTAL OF 4.5 HRS. SLEEP. IN CON-
JUNCTION WITH SLEEP DEPRIVATION ISSUES LIE UNSAFE
EQUIPMENT WITHIN THE SHOE FACTORY ALONG WITH NO PROPER
SAFETY OR OPERATIONAL TRAINING. THE MACHINES IN
QUESTION WERE BUILT IN THE 1950S AND HAVE UNDERGONE
NO SAFETY UPDATES. THE FACTORY HAS HOWEVER,
PURCHASED A MODERN MACHINE THAT IN ITS TENURE (4.5
YEARS) HAS LOGGED ZERO (0) INJURIES / ACCIDENTS WHEREAS
BETWEEN NOVEMBER 2010 AND MAY 2011, PLAINTIFF IS
AWARE OF AT LEAST FOUR SERIOUS INJURIOUS ACCIDENTS IN-
VOLVING THE DESMAs. THESE INJURIES ARE RECORDED
BY THE UNIT AND TDCJ SAFETY / RISK MANAGEMENT TEAM,
YET NO CHANGES ARE MADE. AS WELL THESE REPORTS
ARE FORWARDED TO HIGHER MANAGEMENT AND SHOULD BE FOR-
WARDED TO THE ACA AND TDSTH FOR INVESTIGATION.

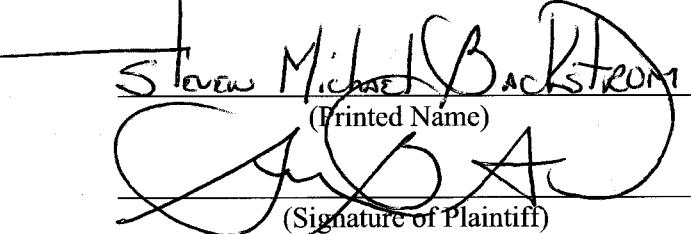
ALL PARTIES NAMED HEREIN ARE AWARE OF THE VOLUME
OF INJURIES RECORDED BY THE DESMA MACHINES AND IF
THEY ARE NOT, THEIR ACCOUNTABILITY HAS FAILED AND
PLAINTIFF IS ASKING THIS HONORABLE COURT TO INTERVENE
TO DETERMINE THE SERIOUSNESS OF ALL OF THE ADDRESSED
ISSUES AND RECTIFY THESE ISSUES BEFORE MORE
INMATES ARE INJURED.

C. Has any court ever warned or notified you that sanctions could be imposed? YES NO

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed.
(If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): N/A
2. Case number: N/A
3. Approximate date warning were imposed: N/A

Executed on: _____
(Date)



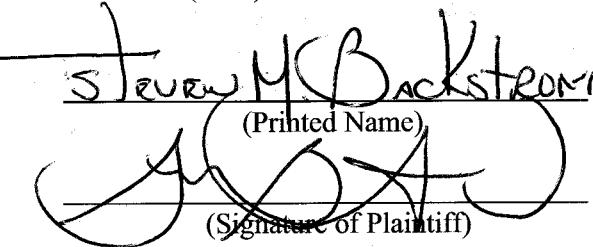
Steven Michael Backstrom
(Printed Name)

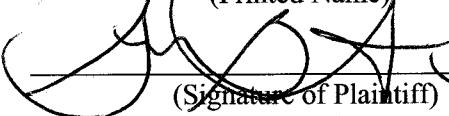
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachment thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger or serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$350 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from the inmate account by my custodian until the filing fee is paid.

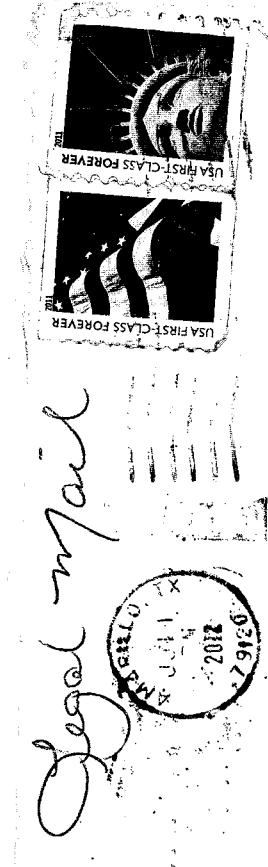
Signed this _____ day of _____, 20 _____.
(Day) (Month) (Year)



Steven Michael Backstrom
(Printed Name)

(Signature of Plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

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Clerkments Unit #E-114
9601 Spe 591
Amarillo, TX 79107

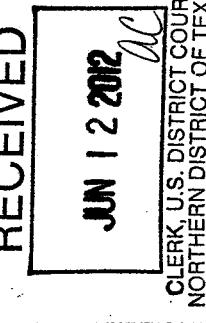


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JUN 12 2012

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

Y-RAY

U.S. Dist Court
Office of the Clerk
205 E 5th Ave. Ste 13240
Amarillo, Texas 79101-9949
79101-9949